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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,377	02/11/2000	Martin Tobias	53326-019	5044

7590 07/27/2005

HICKMAN PALMERO TRUONG & BECKER LLP  
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San Jose, CA 95125-5106

EXAMINER

NGUYEN, THU HA T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Supplemental Notice of Allowability</b>	Application No.	Applicant(s)
	09/502,377	TOBIAS ET AL.
	Examiner	Art Unit
	Thu Ha T. Nguyen	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to response filed 04/26/05.
2.  The allowed claim(s) is/are 1-23.
3.  The drawings filed on 11 February 2000 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

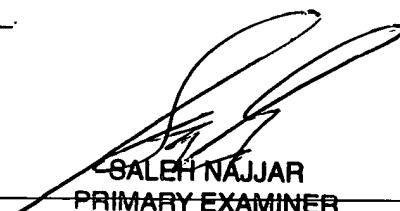
\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
SALEH NAJJAR  
PRIMARY EXAMINER

Part of Paper No./Mail Date 20050725

**Supplemental Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Applicants' Representative, Ms. Tara Hutchings (Reg. No. 46,559), on June 24, 2005.

3. The application has been amended as follow:

In the claims:

4. Claims 1, 12-22, and 23 are amended as following:

Claim 1:

1. (Currently amended) A method for automatically recording and publishing traditional media source programs over a network, the method comprising the computer-implemented steps of:

receiving from a network client that is connected to the network a request to record and publish one or more traditional media source programs in one or more encoding formats, the one or more traditional media source programs being broadcast from a traditional media source that is not generally receivable at a geographic location at which the network client resides;

in response to receiving the request, capturing the one or more traditional media source programs from the traditional media source that broadcasts the one or more traditional media source programs at a particular broadcast time to a broadcasting area of the traditional media source;

encoding the one or more traditional media source programs in the one or more encoding formats to produce one or more encoded media programs; and

publishing, at a time different from the particular broadcast time, the one or more encoded media programs over the network to the network client located outside the broadcasting area of the traditional media source.

Claim 12:

12. (Currently amended) A computer-readable storage medium [[carrying]] storing one or more sequences of instructions for automatically recording and publishing traditional media source programs over a network, wherein execution of the one or more sequences of instructions by one or more processors cause the one or more processors to perform the steps of:

receiving from a network client that is connected to the network a request to record and publish one or more traditional media source programs in one or more encoding formats, the one or more traditional media source programs being broadcast from a traditional media source that is not generally receivable at a geographic location at which the network client resides;

in response to receiving the request, capturing the one or more traditional media source programs from the traditional media source that broadcasts the one or more traditional media source programs at a particular broadcast time to a broadcasting area of the traditional media source;

encoding the one or more traditional media source programs in the one or more encoding formats to produce one or more encoded media programs; and

publishing, at a time different from the particular broadcast time, the one or more encoded media programs over the network to the network client located outside the broadcasting area of the traditional media source.

Claim 13:

After the words "The computer-readable" insert --storage--.

Claim 14:

After the words "The computer-readable" insert --storage--.

Claim 15:

After the words "The computer-readable" insert --storage--.

Claim 16:

After the words "The computer-readable" insert --storage--.

Claim 17:

After the words "The computer-readable" insert --storage--.

Claim 18:

After the words "The computer-readable" insert --storage--.

Claim 19:

After the words "The computer-readable" insert --storage--.

Claim 20:

After the words "The computer-readable" insert --storage--.

Claim 21:

After the words "The computer-readable" insert --storage--.

Claim 22:

After the words "The computer-readable" insert --storage--.

Claim 23:

23. (Currently amended) A system for automatically recording and publishing traditional media source programs in digital format over a network, the system comprising:

a digital remote recorder, wherein the digital remote recorder is configured to receive encoding requests from a network client that is connected to the network to record and encode one or more traditional media source programs, the one or more traditional media source programs being broadcast from a traditional media source that is not generally receivable at a geographic location at which the network client resides, and

to automatically capture and encode the traditional media source programs from the traditional media source, which are broadcast at a particular broadcast time to a

broadcasting area of the traditional media source, into corresponding one or more encoded media programs based on the encoding requests; and

    a network server that is connected to the digital remote recorder, wherein the network server is configured to store the one or more encoded media programs, and to publish the one or more encoded media programs to the network client located outside the broadcasting area of the traditional media source.

### **Reasons for Allowance**

5.    Claims 1-23 are allowed.

The following is an examiner's statement of reasons for allowance: The prior arts of record teaches and discloses a system and method for receiving data files and data streams at a stream gateway; receiving data files, storing and forwarding the data files to file gateways; transmitting the data files and the data streams to at least one client via a switched communication network. However, the invention has some particular combination limitations that are different and distinct from prior arts (see applicant's remarks filed on April 26, 2005 which points out the reason claims are distinguishable and patentable over the prior art of record). Among the differences between claimed invention and the prior art of record, the major difference is the combination of a method and system for automatically recording and publishing traditional media source programs over a network comprising: receiving from a network client a request for record and publish traditional media source programs in one or more formats wherein the one or more traditional media source programs being broadcast from a traditional

media source that is not generally receivable at a geographic location at which the network client resides; in response to receiving the request, capturing the traditional media source programs from a broadcasting area of the traditional media source; encoding the traditional media source programs based on the requested encoding formats and publishing the encoded traditional media source programs to the network client that located outside the broadcasting area of the traditional media source are novel, thus the invention is patentable.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

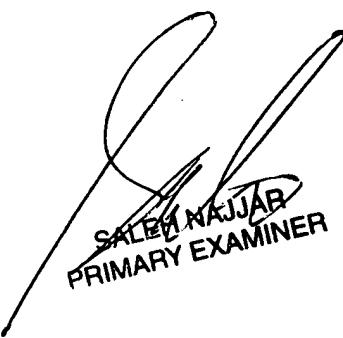
Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax number for art unit 2155 is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thu Ha Nguyen

July 25, 2005



SALEM NAJJAR  
PRIMARY EXAMINER